

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 98-596

February 29, 2000

MAINE PUBLIC UTILITIES COMMISSION  
Investigation of Stranded Costs, Transmission  
and Distribution Utility Revenue Requirements  
and Rate Design of Eastern Maine Electric  
Cooperative, Inc.

ORDER

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WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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On February 23, 2000, Eastern Maine Electric Cooperative (EMEC) filed with the Commission its Open Access Transmission Tariff (OATT), consisting of Original Sheet Nos. 1 through 137 and Schedules A through C. EMEC requested that the proposed tariffs be allowed to take effect on March 1, 2000, which is less than the thirty day notice period generally required by 35-A M.R.S.A. §§ 307 and 308.

EMEC is part of the northern Maine Independent System Administrator (ISA) control area. The ISA has filed its OATT with the Federal Energy Regulatory Commission (FERC). As a consumer-owned electric cooperative, EMEC has not been subject to FERC's jurisdiction. *See Salt River Project v. FPC*, 391 F.2d 470 (D.C. Cir. 1968) *cert. denied*, 393 U.S. 85 (1968). As requested by the ISA, in order to effectively implement retail access in northern Maine, EMEC has filed an OATT with this Commission which mirrors the OATT filed by the ISA with FERC.

Based on the information presented, the Commission is of the opinion that no further investigation is warranted; that the proposed tariff does not appear to be unjust or unreasonable; and given the statutory deadline to implement retail access by March 1, 2000, good cause exists to allow these proposed tariffs to take effect on less than 30 days notice.

Accordingly, it is

ORDERED

That Eastern Maine Electric Cooperative's Open Access Transmission Tariff consisting of Original Sheet Nos. 1 through 137 and Schedule A through C, filed with this Commission on February 24, 2000, is permitted to take effect on March 1, 2000.

Dated at Augusta, Maine, this 29th day of February, 2000.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent  
   Diamond

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.